IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1979

Case No. 79-6309

RAYMOND ROBERT CLARK,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

APPENDIX

INDEX TO APPENDIX

Section 921.141(5), Florida Statutes (1975) (A-1)

Fla. R. Crim. P. 3.210(3), (1979) (A-2,A-2a)

Section 921.141(5), Florida Statutes (1975):

(5) AGGRAVATING CIRCUMSTANCES.—Aggravting circumstances shall be limited to the following:
(a) The capital felony was committed by a person under sentence of imprisonment.
(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.
(c) The defendant knowingly created a great risk of death to many persons.
(d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, rape, arson, burglary, kidnapping, or aircraft piracy or the unlawful throwing, placing, or discharging of a destructive device or bomb.
(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.
(f) The capital felony was committed for pecuinary gain.
(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.
(h) The capital felony was especially heinous, atrocious, or cruel.

Fla. R. Crim. P. 3.210(e), (1979):

(e) Insanity as a Defense

(1) When in any criminal case it shall be the intention of the defendant to rely upon the defense of insanity, no evidence offered by the defendant for the purpose of establishing such insanity shall be admitted in such case unless advance notice in writing of such defense shall have been given by the defendant as hereinafter provided.

(2) If the defendant upon arraignment, or prior thereto, notifies the Court that he will rely upon insanity as one of his defenses, then the Court will hear the parties and require the defendant to file, within such time as may be fixed by the Court, a statement of particulars showing as nearly as he can the nature of insanity he expects to prove and the names and addresses of the witnesses by whom he expects to prove such insanity.

(3) Upon the filing of said statement of particulars by the defendant, upon motion of the prosecution, the Court may cause the defendant to be examined, by one or more disinterested, qualified experts, not exceeding three, appointed by the Court, at such time and place as may be designated in the order of the Court, as to the sanity, or insanity, of the defendant at the time of the commission of the alleged offense and subsequent thereto. If the Court does so, the Clerk shall notify the prosecuting attorney and counsel for the defendant of such appointment and shall give the names and addresses of the experts so appointed.

(4) If the trial has not commenced, upon good cause shown for the omission of the notices and procedure as to the defense of insanity, the Court may in its discretion give the defendant ten days to provide such notice and comply with such procedures and the periods of time established by Rule 3.191 shall be extended by any period required to complete the procedures set out in this rule but in no event less than 60 days.

(5) If the trial has commenced, upon good cause shown for the omission of the notices and procedure as to the defense of insanity, and upon motion of the defendant, the Court may, in the interests of justice, declare a mistrial in order to permit the defendant to raise the defense of insanity pursuant to this rule. The periods of time established by Rule 3.191 shall be extended by any period required to complete the procedures set out in this rule and to again schedule the case for trial, but in no event less than 60 days. The defendant's former uncompleted trial shall not constitute former jeopardy.

(6) If the defendant is at large on bail or cited or summoned to appear, the Court, if it finds that the examination cannot be conducted unless the defendant is confined, may take him into custody for purposes of the examination by such experts.

Fla. R. Crim. P. 3.210(a), (1979) con't.:

(7) The appointment of experts by the Court shall not preclude the State or defendant from calling expert witnesses to testify at the trial and in case the defendant is committed to custody by the Court they shall be permitted to have free access to the defendant for purposes of examination or observation. The experts so appointed by the Court shall be summoned to testify at the trial and may be examined by the Court and by counsel for the State and the defendant.

(8) When a person tried for an offense shall be acquitted for the cause of insanity by the jury or the Court, the jury or judge in giving the verdict or finding of not guilty, shall state that it was given for such cause.

(9) When a person tried for an offense shall be acquitted for the cause of insanity, if the Court shall then determine that the defendant presently meets the criteria set forth in section 394.467(1), Florida Statutes (1975), the Court shall commit the defendant to the Department of Health and Rehabilitative Services for involuntary hospitalization, or shall order that he receive outpatient treatment at any other appropriate facility or service on an outpatient basis, or shall discharge the defendant. The Department of Health and Rehabilitative Services shall treat the defendant so committed as any other patient who has been involuntarily hospitalized by civil proceedings, except that proper security precautions shall be taken with respect to said defendant. The Court committing the defendant shall make all determinations relative to continued hospitalization (other than the form of treatment) or release of the defendant.